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EXAMINER

COLE, LAURA C.

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1744

DATE MAILED: 06/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,069

Applicant(s)

SMITH ET AL.

Examiner

Laura C Cole

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-20 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 14-17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-30 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13, 18-20, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Election/Restrictions***

1. Claims 10 and 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-3, 18, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase, USPN 2,221,305.

Chase discloses a dry mop for converting a cleaning implement, such as a broom (Figure 3 (8)) to a mop, comprising a flexible cover having an inner surface and an outer surface (Figure 1 (1); Column 2 Lines 20-27), cover having end sections (the sides of (1)) connected by a central section (the bottom section (1)), a fastening structure for securing the end sections together, located on the end sections and being on top of the enclosure (Figure 2 (10), Figure 5 (15,16), Figure 6 (17,18)), the central section being at the bottom of the enclosure (Figures 3 and 10), the top of the enclosure being open with the end sections spaced apart when the fastening structure is disengaged (clips (10) are spaced apart, snaps (15, 16) are spaced apart, (zipper (17, 18) may be spaced apart), and a reusable mounting structure on the outer surface of the cover at the central section (Column 4 Lines 4-16). Further, the mounting structure

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comprises hook members in combination with a wipe, the wipe having a loop structure that is engaged with the hooks. (Figures 7 and 10 display "hooks" or buttons (20) that fasten the "loops" (Figures 8 and 9 (24)) so that the wipes "may be easily detached" after use (Page 2 Column 2 Lines 4-24.) Each end section include a fold portion folded against the central section (Figure 10 displays that the two end sections fold against the central section.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305.

Chase discloses all elements above and further that the wipe is made of paper or cleansing tissue (Page 1 Column 2 Lines 10-12; Page 2 Column 2 Lines 17-24). Chase does not disclose that the wipe is made of needle punched material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the wipes from a needle punched material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305.

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Chase discloses all elements above and further that the set of wipes may be removed (Page 2 Column 1 Line 41 to Column 2 Line 3). In this embodiment, there may be multiple sets of multiple sheets. Some may be dry or wet depending on their use.

It would have been obvious to one of ordinary skill in the art to have the mop cover wipes of Chase in combination with a set of dry or wet wipes, as the wipes may be wet during cleaning or washing reusable sheets, or could be left to dry for a dusting or dry application.

5. Claims 6-8, 12-13, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Green.

Chase discloses all elements above however does not disclose a fastening structure that comprises end sections and spaced flaps.

Green discloses a curling broom cover for converting a cleaning implement, such as a broom (Column 1 Lines 35-38), comprising a flexible cover having an inner surface and an outer surface (Figure 2; Column 1 Lines 28-33), a cover having end sections (two sides of (11)) connected by a central section (the bottom (Figure 2)), a fastening structure for securing the end sections together (Figure 2 (14)), and a reusable mounting structure on the outer surface of the cover on an end section (Figure 1 (18, 19, 20)). Further Green discloses that an end section is provided with a pair of spaced flaps (Figure 3 (17b)) for bending over the broom head, with one on an inner surface (Figure 3 (17a)) and another on an outer surface (Figure 3 (17b)). The central section is flat (bottom of Figure 1 or Figure 2). The cleaning implement with a cleaning head

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Column 1 Lines 28-38) and handle (Figure 2 (13)), with the attachment (10) wrapped around the head. The implement is a large curling broom (Abstract), which is industrial/institutional, of the curling sport "industry." Portions of the end sections are folded against a central section (bottom of Figure 2 illustrates a flap of the central section that is folded against the end sections), whereby the central section is larger than the area of the bottom of the cleaning head. The attachment is an open sided cover (See all figures.)

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Green, USPN 3,380,504 and further in view of Semenchuk, USPN 3,913,164.

Chase and Green disclose all elements mentioned above, however do not disclose that the cleaning implement is a plastic bristled broom.

Semenchuk discloses a curling broom that has a cover element. Column 2 Lines 40-44 disclose that it is known for a broom to be made from synthetic plastic construction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plastic bristled broom, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

It would have been obvious for one of ordinary skill in the art to modify the fastening structure of Chase for the one of Green so that the cover can be easily pulled apart which is advantageous for a user with poor motor skills

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7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Von Post et al., USPN 3,896,518.

Chase discloses all elements above, however does not disclose that the cover is impregnated with a cleaning composition.

Von Post et al. discloses an impregnated laminated pad for mops that is fastened to a holder of a handle and may be premoistened with a liquid (Abstract). It is placed around a sponge mop head (Figures 1, 7, and 8.) The cover is impregnated to prevent bacteria or to apply a floor surface treatment (such as water or wax, Column 2 Lines 19-23).

It would have been obvious for one of ordinary skill in the art to modify the cover of Chase and impregnate the cover with a cleaning element to prevent bacteria from spreading to the user and to effectively clean the floor without adding additional treatments, thereby saving time and resources.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, USPN 2,221,305 in view of Barry, USPN 3,339,220.

Chase discloses all elements above, however does not disclose a wipe impregnated with a cleaning composition.

Barry discloses a device for cleaning corner surfaces that uses a wipe that has eyelets or hooks (Figure 1 (17, 18, 23, 24) are located), a fastening section comprising of "hooks and loops" (Figure 1 (17, 18, 23, 24) are eyelets which are essentially loops and (Figure 1 (15, 16) are fingers which are essentially hooks) wherein the wipe is impregnated with an abrasive for scrubbing (Column 3 Lines 4-8).

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It would have been obvious for one of ordinary skill in the art to modify the wipes of Chase and add an abrasive as Barry teaches to aid in cleaning surfaces that are significantly soiled.

### ***Allowable Subject Matter***

9. Claims 27-30 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art above includes a pair of spaced outwardly extending flaps with an open area between the flaps, the fastening structure on the inner surface of those flaps and a complementary fastening structure on the outer surface of the first end. USPN 3,380,504 to Green discloses a similar method of securing a cover to a handle wherein flaps have a fastening structure on an *outer* surface of those flaps. Further, the cover of Green uses those flaps to secure the cover at the "central section" at the lower portion of the entire device (Figures 2 and 3) and do not secure the broom to the handle (13) independently, as the opening shown in Figure 4 is also required.

### ***Applicants Arguments***

11. In Applicants response, Paper No. 7 received on 06 May 2003, the Applicant argues:
  - A. Granville does not disclose a removable wipe and does not have an enclosure having an open top that facilitates the mounting of the cleaning head.
  - B. Barry does not show the combination of a cover and a detachable wipe.



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- C. Chase shows a pad permanently secured to a backing.
- D. Chase does not have a replacement of the piles by attachment to a reusable mounting structure.
- E. Dixon does not permit the mop cover to be mounted through an open top.
- F. Geerin does not show the combination of a cover and a detachable wipe.
- G. Green is a broom with a cover used for curling.
- H. Green does not include the reusable mounting structure at a location below the cleaning head.

***Response to Arguments***

12. Applicant's arguments A, B, E, F, and H, see Paper No. 7, filed 06 May 2003, with respect to the rejection(s) of claim(s) 1, 2, 6-9, 11-13, and 18-19 under Granville, Barry, Dixon, Geerin, and Green have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chase, Green, Von Post et al., Barry, and Semenchuk. See above.
13. Applicant's arguments C, D, and G filed 06 May 2003 have been fully considered but they are not persuasive.
- C. Page 2 Column 1 Line 42 to Column 2 Line 24, Chase discloses a detachable unit of wipes (plies) and that they may be detachable from the unit (Page 2 Column 2 Lines 17-24).

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D. Page 2 Column 1 Line 42 to Column 2 Line 24, Chase discloses a detachable unit of wipes (plies) (specifically Page 2 Column 1 Line 46) and that they may be detachable from the unit (Page 2 Column 2 Lines 17-24).

G. In response to applicant's argument that the broom cover is used for the sport of curling, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*LCC*

LCC

June 9, 2003

*Robert J. Warden, Sr.*

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